

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 6, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No.05046

**PROPOSAL:** Amend section 27.71.080 of the Lincoln Municipal code relating to fences to allow fences to a maximum height of ninety-six inches in height under certain conditions. Allowing fences 96" in height in specific locations will provide a more effective screen while not allowing the fence to exceed 76" when less than 4' from a main structure.

**CONCLUSION:** In conformance with the comprehensive plan.

<b><u>RECOMMENDATION:</u></b>	Approval
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### **ANALYSIS:**

1. This is a request to amend Section 27.71.080 of the Lincoln Municipal Code to allow fences to a maximum height of ninety-six inches under certain conditions.
2. The text change will allow fences to a maximum height of ninety-six inches within any commercial or industrial district and on a common lot line between a residentially zoned district and a commercially or industrially zoned district.
3. The text change will allow fences to a maximum height of ninety-six inches in the front yard abutting the major street on double frontage lots and vehicular access is not to the major street.
4. Allowing fences to a height of ninety-six inches will provide improved security and screening between residential uses and commercial or industrial uses.
5. City of Lincoln building code requires that if the fence is higher than 6 foot 4 inches and is a combustible material it must be set back two-feet from the property line. This text amendment does not supercede the building code.
6. City of Lincoln Design Standards states that the height of the fence shall comply with Title 27.
7. The increase in the height of the fence will reduce the amount of light and air circulation. Therefore, the height shall not be increased from 76" if the fence is closer than 4' to the main structure.

8. Following is the proposed text:

**27.71.080 Fences.**

(a) Permitted Locations and Heights. Notwithstanding the area regulations of this title with respect to the requirements for open space for front yard, side yard, and rear yard, fences may be erected to a height not to exceed seventy-six inches on any part of a lot or premises, ~~provided, that~~ In addition, fences may be erected to a height not to exceed ninety-six inches in the required front yard abutting a major street if the following conditions are met: on any part of a lot or premises under one of the following conditions:

- (1) The fence is located in the required front yard abutting a major street, and
  - (a i) The lot or premises has double street frontage and abuts a major street;
  - (b ii) Vehicular access to the lot or premises is not from the major street;

and

  - (c iii) The fence shall be parallel to the major street.
- (2) The fence is located within any commercial or industrial district.
- (3) The fence is located on a common lot line between a residentially zoned district and a commercially or industrially zoned district, or
- (4) The fence is located in the rear or side yard of a residentially zoned district and within the front yard area connecting to a fence located in the required front yard abutting a major street pursuant to section (a) above, provided that no fence over seventy-six inches shall be located within four feet from any main structure.

(b) Prohibited Locations. ~~However, n~~No fence shall be erected within:

- (1) ~~t~~The triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection, in conformance with the design standards of the city and the “guidelines and regulations for driveway design and approach.”
- (2) Ten feet from the opening side of all padmounted equipment (the side with decals on the lid/door), three feet from the opening side of the power pedestals (the side with the padlock), and twelve inches from the other non-opening sides of padmounted equipment or power pedestals.

(c) Measurement. The height of a fence shall be determined by a measurement from the ground beneath the fence. Swales and other earth depressions up to six feet wide shall not be used when measuring the fence's height. Man-made earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. Notwithstanding the above, if a lot or premises is lower than an adjacent major street, as defined in Section 26.07.190 of the Land Subdivision Ordinance, then the height of the fence shall be determined by a measurement from the street grade at a ninety degree angle from the fence; provided, however, the total vertical measurement from the ground beneath the fence to the top of the fence shall not exceed twelve feet.

(d) Exclusions. The height limitation herein provided for fences permitted on any part of a lot or premises, notwithstanding the area regulation of this title with the requirements for open space from front yard, side yard, and rear yard, shall not apply to fences required by the city for uses permitted by the city. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with area and use regulations of this title.

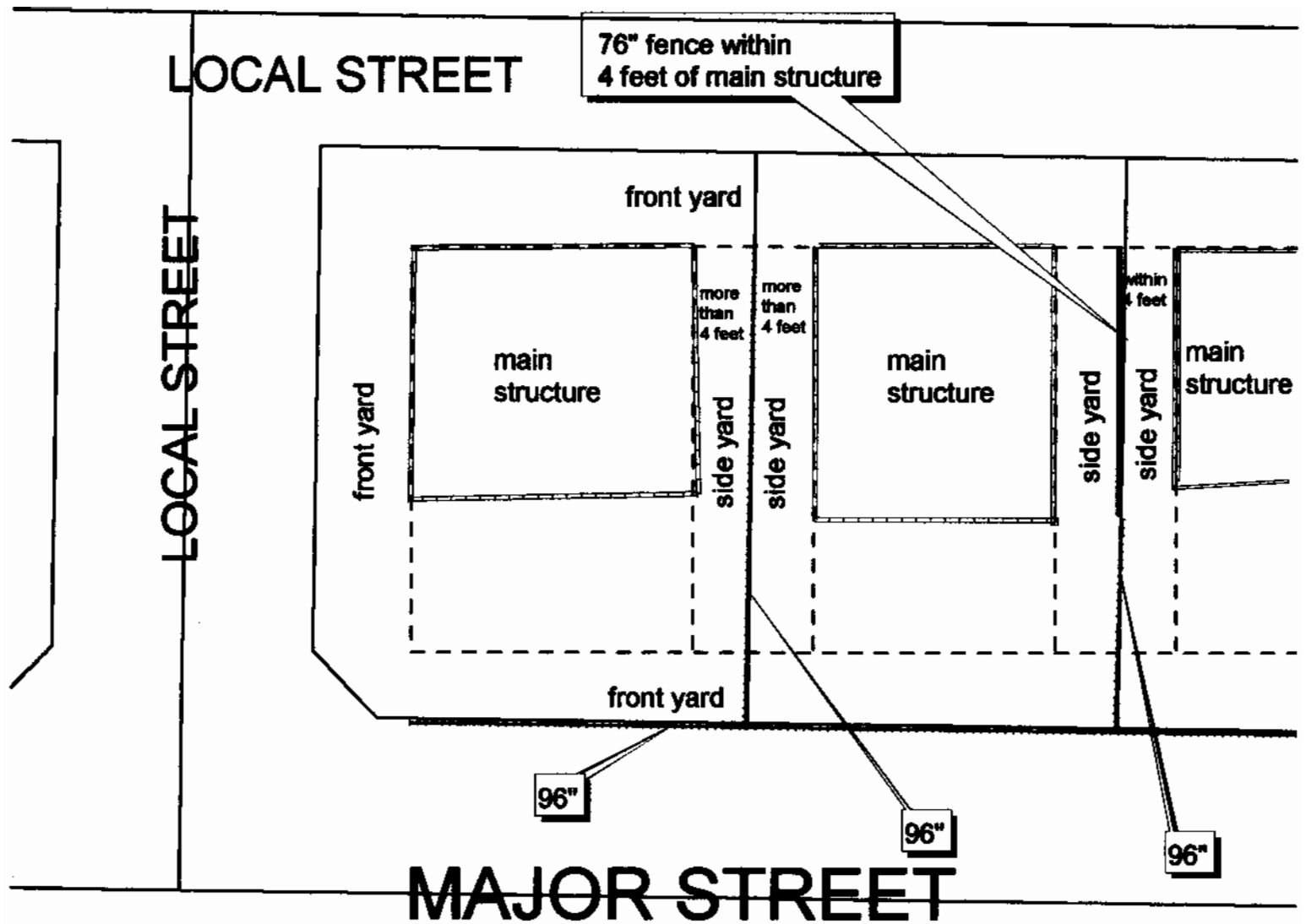
Prepared By:

Tom Cajka  
Planner

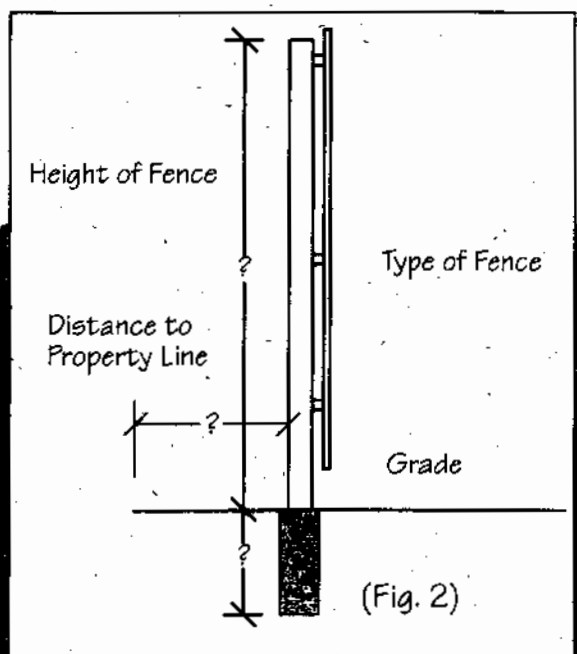
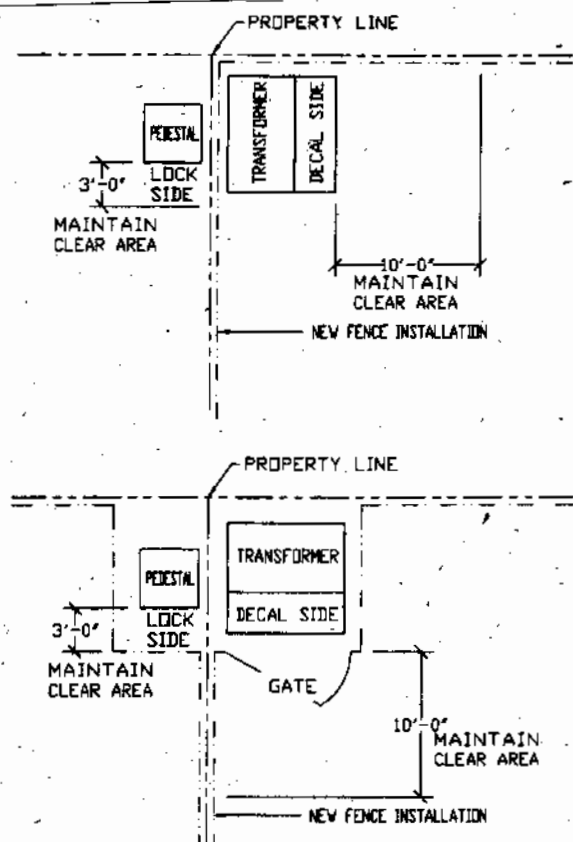
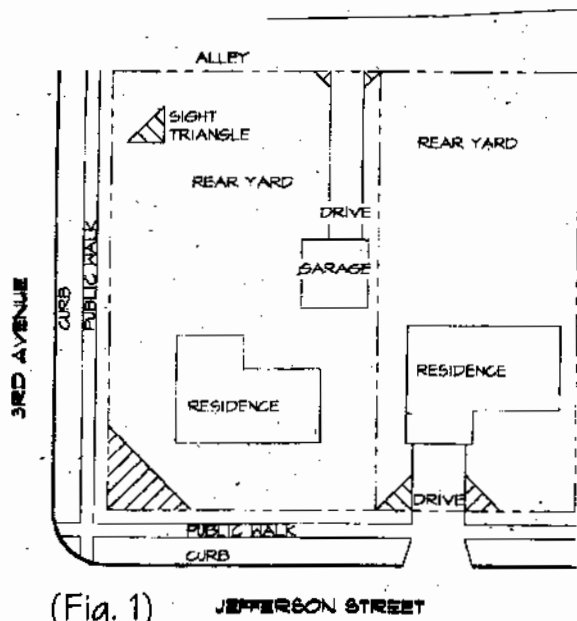
**DATE:** June 22, 2005

**APPLICANT:** Jason Scott  
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Lincoln, NE 68508

**CONTACT:** same as applicant



This is an illustration showing 96" height fences may be installed if more than 4 feet from main structure . If within 4 feet the fence cannot exceed 76" in height.



# Fences

## **PURPOSE STATEMENT**

Applicant requests a change in the text of § 27.71.080 of the Lincoln Municipal Code to provide for the construction of fences up to 8' in height in the following circumstances:

1. Within commercial development
2. On lot lines between residential and commercial development
3. On lot lines between residential development where there is at least 4' between the fence and the main structures on each lot.

The change also adds language prohibiting any fence from being constructed within the needed clearances around electrical boxes.

